As Introduced

132nd General Assembly Regular Session 2017-2018

H. B. No. 463

Representative LaTourette

A BILL

Τc	o amend section 3734.57 of the Revised Code to	1
	increase one of the state fees levied on the	2
	transfer or disposal of solid waste in Ohio, the	3
	proceeds of which are deposited into the Soil	4
	and Water Conservation District Assistance Fund,	5
	and to make an appropriation.	6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 3734.57 of the Revised Code be	7
amended to read as follows:	8
Sec. 3734.57. (A) The following fees are hereby levied on	9
the transfer or disposal of solid wastes in this state:	10
(1) Ninety cents per ton through June 30, 2020, twenty	11
cents of the proceeds of which shall be deposited in the state	12
treasury to the credit of the hazardous waste facility	13
management fund created in section 3734.18 of the Revised Code	14
and seventy cents of the proceeds of which shall be deposited in	
the state treasury to the credit of the hazardous waste clean-up	
fund created in section 3734.28 of the Revised Code;	

(2) An additional seventy-five cents per ton through June30, 2020, the proceeds of which shall be deposited in the state19

treasury to the credit of the waste management fund created in 20 section 3734.061 of the Revised Code. 21 (3) An additional two dollars and eighty-five cents per 22 ton through June 30, 2020, the proceeds of which shall be 23 deposited in the state treasury to the credit of the 24 environmental protection fund created in section 3745.015 of the 25 Revised Code; 26 (4) An additional twenty five fifty cents per ton through 27 June 30, 2020, the proceeds of which shall be deposited in the 28 state treasury to the credit of the soil and water conservation 29 district assistance fund created in section 940.15 of the 30 Revised Code. 31 In the case of solid wastes that are taken to a solid 32 waste transfer facility located in this state prior to being 33 transported for disposal at a solid waste disposal facility 34 located in this state or outside of this state, the fees levied 35 under this division shall be collected by the owner or operator 36 of the transfer facility as a trustee for the state. The amount 37 of fees required to be collected under this division at such a 38 transfer facility shall equal the total tonnage of solid wastes 39 received at the facility multiplied by the fees levied under 40 this division. In the case of solid wastes that are not taken to 41 a solid waste transfer facility located in this state prior to 42 being transported to a solid waste disposal facility, the fees 43 shall be collected by the owner or operator of the solid waste 44 disposal facility as a trustee for the state. The amount of fees 45 required to be collected under this division at such a disposal 46 facility shall equal the total tonnage of solid wastes received 47

at the facility that was not previously taken to a solid waste

transfer facility located in this state multiplied by the fees

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levied under this division. Fees levied under this division do
not apply to materials separated from a mixed waste stream for
recycling by a generator or materials removed from the solid
waste stream through recycling, as "recycling" is defined in
rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility 55 or disposal facility, as applicable, shall prepare and file with 56 the director of environmental protection each month a return 57 indicating the total tonnage of solid wastes received at the 58 facility during that month and the total amount of the fees 59 required to be collected under this division during that month. 60 In addition, the owner or operator of a solid waste disposal 61 facility shall indicate on the return the total tonnage of solid 62 wastes received from transfer facilities located in this state 63 during that month for which the fees were required to be 64 collected by the transfer facilities. The monthly returns shall 65 be filed on a form prescribed by the director. Not later than 66 thirty days after the last day of the month to which a return 67 applies, the owner or operator shall mail to the director the 68 return for that month together with the fees required to be 69 collected under this division during that month as indicated on 70 the return or may submit the return and fees electronically in a 71 manner approved by the director. If the return is filed and the 72 amount of the fees due is paid in a timely manner as required in 73 this division, the owner or operator may retain a discount of 74 three-fourths of one per cent of the total amount of the fees 75 that are required to be paid as indicated on the return. 76

The owner or operator may request an extension of not more 77 than thirty days for filing the return and remitting the fees, 78 provided that the owner or operator has submitted such a request 79 in writing to the director together with a detailed description 80

of why the extension is requested, the director has received the 81 request not later than the day on which the return is required 82 to be filed, and the director has approved the request. If the 83 fees are not remitted within thirty days after the last day of 84 the month to which the return applies or are not remitted by the 85 last day of an extension approved by the director, the owner or 86 operator shall not retain the three-fourths of one per cent 87 discount and shall pay an additional ten per cent of the amount 88 of the fees for each month that they are late. For purposes of 89 calculating the late fee, the first month in which fees are late 90 begins on the first day after the deadline has passed for timely 91 submitting the return and fees, and one additional month shall 92 be counted every thirty days thereafter. 93

The owner or operator of a solid waste facility may 94 request a refund or credit of fees levied under this division 95 and remitted to the director that have not been paid to the 96 owner or operator. Such a request shall be made only if the fees 97 have not been collected by the owner or operator, have become a 98 debt that has become worthless or uncollectable for a period of 99 six months or more, and may be claimed as a deduction, including 100 a deduction claimed if the owner or operator keeps accounts on 101 an accrual basis, under the "Internal Revenue Code of 1954," 68A 102 Stat. 50, 26 U.S.C. 166, as amended, and regulations adopted 103 under it. Prior to making a request for a refund or credit, an 104 owner or operator shall make reasonable efforts to collect the 105 applicable fees. A request for a refund or credit shall not 106 include any costs resulting from those efforts to collect unpaid 107 fees. 108

A request for a refund or credit of fees shall be made in 109 writing, on a form prescribed by the director, and shall be 110 supported by evidence that may be required in rules adopted by 111

the director under this chapter. After reviewing the request, 112 and if the request and evidence submitted with the request 113 indicate that a refund or credit is warranted, the director 114 shall grant a refund to the owner or operator or shall permit a 115 credit to be taken by the owner or operator on a subsequent 116 monthly return submitted by the owner or operator. The amount of 117 a refund or credit shall not exceed an amount that is equal to 118 ninety days' worth of fees owed to an owner or operator by a 119 particular debtor of the owner or operator. A refund or credit 120 shall not be granted by the director to an owner or operator 121 more than once in any twelve-month period for fees owed to the 122 owner or operator by a particular debtor. 123

If, after receiving a refund or credit from the director,124an owner or operator receives payment of all or part of the125fees, the owner or operator shall remit the fees with the next126monthly return submitted to the director together with a written127explanation of the reason for the submittal.128

For purposes of computing the fees levied under this129division or division (B) of this section, any solid waste130transfer or disposal facility that does not use scales as a131means of determining gate receipts shall use a conversion factor132of three cubic yards per ton of solid waste or one cubic yard133per ton for baled waste, as applicable.134

The fees levied under this division and divisions (B) and 135 (C) of this section are in addition to all other applicable fees 136 and taxes and shall be paid by the customer or a political 137 subdivision to the owner or operator of a solid waste transfer 138 or disposal facility. In the alternative, the fees shall be paid 139 by a customer or political subdivision to a transporter of waste 140 who subsequently transfers the fees to the owner or operator of 141

such a facility. The fees shall be paid notwithstanding the 142 existence of any provision in a contract that the customer or a 143 political subdivision may have with the owner or operator or 144 with a transporter of waste to the facility that would not 145 require or allow such payment regardless of whether the contract 146 was entered prior to or after October 16, 2009. For those 147 purposes, "customer" means a person who contracts with, or 148 utilizes the solid waste services of, the owner or operator of a 149 solid waste transfer or disposal facility or a transporter of 150 solid waste to such a facility. 151

(B) For the purposes specified in division (G) of this
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section, the solid waste management policy committee of a county
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or joint solid waste management district may levy fees upon the
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following activities:

(1) The disposal at a solid waste disposal facility
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located in the district of solid wastes generated within the
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district;

(2) The disposal at a solid waste disposal facility within
the district of solid wastes generated outside the boundaries of
the district, but inside this state;

(3) The disposal at a solid waste disposal facility within
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 the district of solid wastes generated outside the boundaries of
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 this state.

The solid waste management plan of the county or joint165district approved under section 3734.521 or 3734.55 of the166Revised Code and any amendments to it, or the resolution adopted167under this division, as appropriate, shall establish the rates168of the fees levied under divisions (B)(1), (2), and (3) of this169section, if any, and shall specify whether the fees are levied170

on the basis of tons or cubic yards as the unit of measurement.171A solid waste management district that levies fees under this172division on the basis of cubic yards shall do so in accordance173with division (A) of this section.174

The fee levied under division (B)(1) of this section shall175be not less than one dollar per ton nor more than two dollars176per ton, the fee levied under division (B)(2) of this section177shall be not less than two dollars per ton nor more than four178dollars per ton, and the fee levied under division (B)(3) of179this section shall be not more than the fee levied under180division (B)(1) of this section.181

182 Prior to the approval of the solid waste management plan of a district under section 3734.55 of the Revised Code, the 183 solid waste management policy committee of a district may levy 184 fees under this division by adopting a resolution establishing 185 the proposed amount of the fees. Upon adopting the resolution, 186 the committee shall deliver a copy of the resolution to the 187 board of county commissioners of each county forming the 188 district and to the legislative authority of each municipal 189 corporation and township under the jurisdiction of the district 190 and shall prepare and publish the resolution and a notice of the 191 time and location where a public hearing on the fees will be 192 held. Upon adopting the resolution, the committee shall deliver 193 written notice of the adoption of the resolution; of the amount 194 of the proposed fees; and of the date, time, and location of the 195 public hearing to the director and to the fifty industrial, 196 commercial, or institutional generators of solid wastes within 197 the district that generate the largest quantities of solid 198 wastes, as determined by the committee, and to their local trade 199 associations. The committee shall make good faith efforts to 200 identify those generators within the district and their local 201

trade associations, but the nonprovision of notice under this 202 division to a particular generator or local trade association 203 does not invalidate the proceedings under this division. The 204 publication shall occur at least thirty days before the hearing. 205 After the hearing, the committee may make such revisions to the 206 proposed fees as it considers appropriate and thereafter, by 207 resolution, shall adopt the revised fee schedule. Upon adopting 208 the revised fee schedule, the committee shall deliver a copy of 209 the resolution doing so to the board of county commissioners of 210 each county forming the district and to the legislative 211 authority of each municipal corporation and township under the 212 jurisdiction of the district. Within sixty days after the 213 delivery of a copy of the resolution adopting the proposed 214 revised fees by the policy committee, each such board and 215 legislative authority, by ordinance or resolution, shall approve 216 or disapprove the revised fees and deliver a copy of the 217 ordinance or resolution to the committee. If any such board or 218 legislative authority fails to adopt and deliver to the policy 219 committee an ordinance or resolution approving or disapproving 220 the revised fees within sixty days after the policy committee 221 delivered its resolution adopting the proposed revised fees, it 222 shall be conclusively presumed that the board or legislative 223 authority has approved the proposed revised fees. The committee 224 shall determine if the resolution has been ratified in the same 225 manner in which it determines if a draft solid waste management 226 plan has been ratified under division (B) of section 3734.55 of 227 the Revised Code. 228

The committee may amend the schedule of fees levied229pursuant to a resolution adopted and ratified under this230division by adopting a resolution establishing the proposed231amount of the amended fees. The committee may repeal the fees232

levied pursuant to such a resolution by adopting a resolution 233
proposing to repeal them. Upon adopting such a resolution, the 234
committee shall proceed to obtain ratification of the resolution 235
in accordance with this division. 236

Not later than fourteen days after declaring the new fees 237 to be ratified or the fees to be repealed under this division, 238 the committee shall notify by certified mail the owner or 239 operator of each solid waste disposal facility that is required 240 to collect the fees of the ratification and the amount of the 241 fees or of the repeal of the fees. Collection of any fees shall 242 commence or collection of repealed fees shall cease on the first 243 day of the second month following the month in which 244 notification is sent to the owner or operator. 245

Fees levied under this division also may be established, 246 amended, or repealed by a solid waste management policy 247 committee through the adoption of a new district solid waste 248 management plan, the adoption of an amended plan, or the 249 amendment of the plan or amended plan in accordance with 250 sections 3734.55 and 3734.56 of the Revised Code or the adoption 251 or amendment of a district plan in connection with a change in 252 district composition under section 3734.521 of the Revised Code. 253

Not later than fourteen days after the director issues an 254 order approving a district's solid waste management plan, 255 amended plan, or amendment to a plan or amended plan that 256 establishes, amends, or repeals a schedule of fees levied by the 257 district, the committee shall notify by certified mail the owner 258 or operator of each solid waste disposal facility that is 259 required to collect the fees of the approval of the plan or 260 amended plan, or the amendment to the plan, as appropriate, and 261 the amount of the fees, if any. In the case of an initial or 262

amended plan approved under section 3734.521 of the Revised Code 263 in connection with a change in district composition, other than 264 one involving the withdrawal of a county from a joint district, 265 the committee, within fourteen days after the change takes 266 effect pursuant to division (G) of that section, shall notify by 267 certified mail the owner or operator of each solid waste 268 disposal facility that is required to collect the fees that the 269 change has taken effect and of the amount of the fees, if any. 270 Collection of any fees shall commence or collection of repealed 271 fees shall cease on the first day of the second month following 272 the month in which notification is sent to the owner or 273 operator. 274

If, in the case of a change in district composition 275 involving the withdrawal of a county from a joint district, the 276 director completes the actions required under division (G)(1) or 277 (3) of section 3734.521 of the Revised Code, as appropriate, 278 forty-five days or more before the beginning of a calendar year, 279 the policy committee of each of the districts resulting from the 280 change that obtained the director's approval of an initial or 281 amended plan in connection with the change, within fourteen days 282 after the director's completion of the required actions, shall 283 notify by certified mail the owner or operator of each solid 284 waste disposal facility that is required to collect the 285 district's fees that the change is to take effect on the first 286 day of January immediately following the issuance of the notice 287 and of the amount of the fees or amended fees levied under 288 divisions (B)(1) to (3) of this section pursuant to the 289 district's initial or amended plan as so approved or, if 290 appropriate, the repeal of the district's fees by that initial 291 or amended plan. Collection of any fees set forth in such a plan 292 or amended plan shall commence on the first day of January 293

immediately following the issuance of the notice. If such an 294
initial or amended plan repeals a schedule of fees, collection 295
of the fees shall cease on that first day of January. 296

If, in the case of a change in district composition 297 involving the withdrawal of a county from a joint district, the 298 director completes the actions required under division (G)(1) or 299 (3) of section 3734.521 of the Revised Code, as appropriate, 300 less than forty-five days before the beginning of a calendar 301 year, the director, on behalf of each of the districts resulting 302 303 from the change that obtained the director's approval of an initial or amended plan in connection with the change 304 proceedings, shall notify by certified mail the owner or 305 operator of each solid waste disposal facility that is required 306 to collect the district's fees that the change is to take effect 307 on the first day of January immediately following the mailing of 308 the notice and of the amount of the fees or amended fees levied 309 under divisions (B)(1) to (3) of this section pursuant to the 310 district's initial or amended plan as so approved or, if 311 appropriate, the repeal of the district's fees by that initial 312 or amended plan. Collection of any fees set forth in such a plan 313 or amended plan shall commence on the first day of the second 314 month following the month in which notification is sent to the 315 owner or operator. If such an initial or amended plan repeals a 316 schedule of fees, collection of the fees shall cease on the 317 first day of the second month following the month in which 318 notification is sent to the owner or operator. 319

If the schedule of fees that a solid waste management320district is levying under divisions (B)(1) to (3) of this321section is amended or repealed, the fees in effect immediately322prior to the amendment or repeal shall continue to be collected323until collection of the amended fees commences or collection of324

the repealed fees ceases, as applicable, as specified in this 325 division. In the case of a change in district composition, money 326 so received from the collection of the fees of the former 327 districts shall be divided among the resulting districts in 328 accordance with division (B) of section 343.012 of the Revised 329 Code and the agreements entered into under division (B) of 330 section 343.01 of the Revised Code to establish the former and 331 resulting districts and any amendments to those agreements. 332

For the purposes of the provisions of division (B) of this 333 section establishing the times when newly established or amended 334 fees levied by a district are required to commence and the 335 collection of fees that have been amended or repealed is 336 required to cease, "fees" or "schedule of fees" includes, in 337 addition to fees levied under divisions (B)(1) to (3) of this 338 section, those levied under section 3734.573 or 3734.574 of the 339 Revised Code. 340

(C) For the purposes of defraying the added costs to a 341 municipal corporation or township of maintaining roads and other 342 public facilities and of providing emergency and other public 343 services, and compensating a municipal corporation or township 344 for reductions in real property tax revenues due to reductions 345 in real property valuations resulting from the location and 346 operation of a solid waste disposal facility within the 347 municipal corporation or township, a municipal corporation or 348 township in which such a solid waste disposal facility is 349 located may levy a fee of not more than twenty-five cents per 350 ton on the disposal of solid wastes at a solid waste disposal 351 facility located within the boundaries of the municipal 352 corporation or township regardless of where the wastes were 353 354 generated.

The legislative authority of a municipal corporation or 355 township may levy fees under this division by enacting an 356 ordinance or adopting a resolution establishing the amount of 357 the fees. Upon so doing the legislative authority shall mail a 358 certified copy of the ordinance or resolution to the board of 359 county commissioners or directors of the county or joint solid 360 waste management district in which the municipal corporation or 361 township is located or, if a regional solid waste management 362 authority has been formed under section 343.011 of the Revised 363 Code, to the board of trustees of that regional authority, the 364 owner or operator of each solid waste disposal facility in the 365 municipal corporation or township that is required to collect 366 the fee by the ordinance or resolution, and the director of 367 environmental protection. Although the fees levied under this 368 division are levied on the basis of tons as the unit of 369 measurement, the legislative authority, in its ordinance or 370 resolution levying the fees under this division, may direct that 371 the fees be levied on the basis of cubic yards as the unit of 372 measurement based upon a conversion factor of three cubic yards 373 per ton generally or one cubic yard per ton for baled wastes. 374

Not later than five days after enacting an ordinance or 375 adopting a resolution under this division, the legislative 376 authority shall so notify by certified mail the owner or 377 operator of each solid waste disposal facility that is required 378 to collect the fee. Collection of any fee levied on or after 379 March 24, 1992, shall commence on the first day of the second 380 month following the month in which notification is sent to the 381 owner or operator. 382

(D) (1) The fees levied under divisions (A), (B), and (C)
of this section do not apply to the disposal of solid wastes
that:

(a) Are disposed of at a facility owned by the generator
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of the wastes when the solid waste facility exclusively disposes
of solid wastes generated at one or more premises owned by the
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generator regardless of whether the facility is located on a
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premises where the wastes are generated;

(b) Are generated from the combustion of coal, or from the combustion of primarily coal, regardless of whether the disposal facility is located on the premises where the wastes are generated;

(c) Are asbestos or asbestos-containing materials or
products disposed of at a construction and demolition debris
facility that is licensed under Chapter 3714. of the Revised
Code or at a solid waste facility that is licensed under this
chapter.

(2) Except as provided in section 3734.571 of the Revised 400 Code, any fees levied under division (B)(1) of this section 401 apply to solid wastes originating outside the boundaries of a 402 county or joint district that are covered by an agreement for 403 the joint use of solid waste facilities entered into under 404 section 343.02 of the Revised Code by the board of county 405 commissioners or board of directors of the county or joint 406 district where the wastes are generated and disposed of. 407

(3) When solid wastes, other than solid wastes that 408 consist of scrap tires, are burned in a disposal facility that 409 is an incinerator or energy recovery facility, the fees levied 410 under divisions (A), (B), and (C) of this section shall be 411 levied upon the disposal of the fly ash and bottom ash remaining 412 after burning of the solid wastes and shall be collected by the 413 owner or operator of the sanitary landfill where the ash is 414 disposed of. 415

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(4) When solid wastes are delivered to a solid waste
transfer facility, the fees levied under divisions (B) and (C)
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of this section shall be levied upon the disposal of solid
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wastes transported off the premises of the transfer facility for
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disposal and shall be collected by the owner or operator of the
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solid waste disposal facility where the wastes are disposed of.
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(5) The fees levied under divisions (A), (B), and (C) of 422 this section do not apply to sewage sludge that is generated by 423 a waste water treatment facility holding a national pollutant 424 discharge elimination system permit and that is disposed of 425 through incineration, land application, or composting or at 426 another resource recovery or disposal facility that is not a 427 landfill. 428

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are 437 processed at a scrap tire recovery facility, the fees levied 438 under divisions (A), (B), and (C) of this section shall be 439 levied upon the disposal of the fly ash and bottom ash or other 440 solid wastes remaining after the processing of the scrap tires 441 and shall be collected by the owner or operator of the solid 442 waste disposal facility where the ash or other solid wastes are 443 disposed of. 444

(8) The director of environmental protection may issue an

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order exempting from the fees levied under this section solid 446 wastes, including, but not limited to, scrap tires, that are 447 generated, transferred, or disposed of as a result of a contract 448 providing for the expenditure of public funds entered into by 449 the administrator or regional administrator of the United States 450 environmental protection agency, the director of environmental 451 protection, or the director of administrative services on behalf 452 of the director of environmental protection for the purpose of 453 remediating conditions at a hazardous waste facility, solid 454 waste facility, or other location at which the administrator or 455 regional administrator or the director of environmental 456 protection has reason to believe that there is a substantial 457 threat to public health or safety or the environment or that the 458 conditions are causing or contributing to air or water pollution 459 or soil contamination. An order issued by the director of 460 environmental protection under division (D)(8) of this section 461 shall include a determination that the amount of the fees not 462 received by a solid waste management district as a result of the 463 order will not adversely impact the implementation and financing 464 of the district's approved solid waste management plan and any 465 approved amendments to the plan. Such an order is a final action 466 of the director of environmental protection. 467

(E) The fees levied under divisions (B) and (C) of this 468 section shall be collected by the owner or operator of the solid 469 waste disposal facility where the wastes are disposed of as a 470 trustee for the county or joint district and municipal 471 corporation or township where the wastes are disposed of. Moneys 472 from the fees levied under division (B) of this section shall be 473 forwarded to the board of county commissioners or board of 474 directors of the district in accordance with rules adopted under 475 division (H) of this section. Moneys from the fees levied under 476

division (C) of this section shall be forwarded to the treasurer477or such other officer of the municipal corporation as, by virtue478of the charter, has the duties of the treasurer or to the fiscal479officer of the township, as appropriate, in accordance with480those rules.481

(F) Moneys received by the treasurer or other officer of 482 the municipal corporation under division (E) of this section 483 shall be paid into the general fund of the municipal 484 corporation. Moneys received by the fiscal officer of the 485 township under that division shall be paid into the general fund 486 of the township. The treasurer or other officer of the municipal 487 corporation or the township fiscal officer, as appropriate, 488 shall maintain separate records of the moneys received from the 489 fees levied under division (C) of this section. 490

(G) Moneys received by the board of county commissioners 491 or board of directors under division (E) of this section or 492 section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised 493 Code shall be paid to the county treasurer, or other official 494 acting in a similar capacity under a county charter, in a county 495 district or to the county treasurer or other official designated 496 by the board of directors in a joint district and kept in a 497 separate and distinct fund to the credit of the district. If a 498 regional solid waste management authority has been formed under 499 section 343.011 of the Revised Code, moneys received by the 500 board of trustees of that regional authority under division (E) 501 of this section shall be kept by the board in a separate and 502 distinct fund to the credit of the district. Moneys in the 503 special fund of the county or joint district arising from the 504 fees levied under division (B) of this section and the fee 505 levied under division (A) of section 3734.573 of the Revised 506 Code shall be expended by the board of county commissioners or 507

directors of the district in accordance with the district's 508 solid waste management plan or amended plan approved under 509 section 3734.521, 3734.55, or 3734.56 of the Revised Code 510 exclusively for the following purposes: 511

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management
 plan or amended plan of the district, including, without
 11 limitation, the development and implementation of solid waste
 recycling or reduction programs;

(3) Providing financial assistance to boards of health 521 within the district, if solid waste facilities are located 522 within the district, for enforcement of this chapter and rules, 523 orders, and terms and conditions of permits, licenses, and 524 variances adopted or issued under it, other than the hazardous 525 waste provisions of this chapter and rules adopted and orders 526 and terms and conditions of permits issued under those 527 provisions; 528

(4) Providing financial assistance to each county within
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the district to defray the added costs of maintaining roads and
other public facilities and of providing emergency and other
public services resulting from the location and operation of a
solid waste facility within the county under the district's
approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards ofhealth within the district, if solid waste facilities contained536

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in the district's approved plan or amended plan are located 537
within the district, for paying the costs incurred by those 538
boards of health for collecting and analyzing samples from 539
public or private water wells on lands adjacent to those 540
facilities; 541

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health
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 within the district for the enforcement of section 3734.03 of
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 the Revised Code or to local law enforcement agencies having
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 jurisdiction within the district for enforcing anti-littering
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 laws and ordinances;

(8) Providing financial assistance to boards of health of 552 health districts within the district that are on the approved 553 list under section 3734.08 of the Revised Code to defray the 554 costs to the health districts for the participation of their 555 employees responsible for enforcement of the solid waste 556 provisions of this chapter and rules adopted and orders and 557 terms and conditions of permits, licenses, and variances issued 558 under those provisions in the training and certification program 559 as required by rules adopted under division (L) of section 560 3734.02 of the Revised Code; 561

(9) Providing financial assistance to individual municipal
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 corporations and townships within the district to defray their
 added costs of maintaining roads and other public facilities and
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 of providing emergency and other public services resulting from
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 the location and operation within their boundaries of a

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composting, energy or resource recovery, incineration, or567recycling facility that either is owned by the district or is568furnishing solid waste management facility or recycling services569to the district pursuant to a contract or agreement with the570board of county commissioners or directors of the district;571

(10) Payment of any expenses that are agreed to, awarded, 572 or ordered to be paid under section 3734.35 of the Revised Code 573 and of any administrative costs incurred pursuant to that 574 section. In the case of a joint solid waste management district, 575 if the board of county commissioners of one of the counties in 576 the district is negotiating on behalf of affected communities, 577 as defined in that section, in that county, the board shall 578 obtain the approval of the board of directors of the district in 579 order to expend moneys for administrative costs incurred. 580

Prior to the approval of the district's solid waste581management plan under section 3734.55 of the Revised Code,582moneys in the special fund of the district arising from the fees583shall be expended for those purposes in the manner prescribed by584the solid waste management policy committee by resolution.585

Notwithstanding division (G)(6) of this section as it 586 existed prior to October 29, 1993, or any provision in a 587 district's solid waste management plan prepared in accordance 588 with division (B)(2)(e) of section 3734.53 of the Revised Code 589 as it existed prior to that date, any moneys arising from the 590 fees levied under division (B)(3) of this section prior to 591 January 1, 1994, may be expended for any of the purposes 592 authorized in divisions (G)(1) to (10) of this section. 593

(H) The director shall adopt rules in accordance with 594
Chapter 119. of the Revised Code prescribing procedures for 595
collecting and forwarding the fees levied under divisions (B) 596

and (C) of this section to the boards of county commissioners or 597 directors of county or joint solid waste management districts 598 and to the treasurers or other officers of municipal 599 corporations and the fiscal officers of townships. The rules 600 also shall prescribe the dates for forwarding the fees to the 601 boards and officials and may prescribe any other requirements 602 the director considers necessary or appropriate to implement and 603 administer divisions (A), (B), and (C) of this section. 604

Section 2. That existing section 3734.57 of the Revised 605 Code is hereby repealed. 606

Section 3. All items in this section are hereby 607 appropriated as designated out of any moneys in the state 608 treasury to the credit of the designated fund. For all 609 appropriations made in this act, those in the first column are 610 for fiscal year 2018 and those in the second column are for 611 fiscal year 2019. The appropriations made in this act are in 612 addition to any other appropriations made for the FY 2018-FY 613 2019 biennium. 614

AGR DEPARTMENT OF AGRICULTURE

 Dedicated Purpose Fund Group
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 5BV0 700661 Soil and Water Districts\$3,250,000
 \$3,250,000
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 TOTAL DPF Dedicated Purpose Fund Group\$3,250,000
 \$3,250,000
 618

 TOTAL ALL BUDGET FUND GROUPS
 \$3,250,000\$
 \$3,250,000
 619

Section 4. Within the limits set forth in this act, the620Director of Budget and Management shall establish accounts621indicating the source and amount of funds for each appropriation622made in this act, and shall determine the form and manner in623which appropriation accounts shall be maintained. Expenditures624

from appropriations contained in this act shall be accounted for		
as though made in Am. Sub. H.B. 49 of the 132nd General	626	
Assembly.		
The appropriations made in this act are subject to all	628	
provisions of Am. Sub. H.B. 49 of the 132nd General Assembly	629	
that are generally applicable to such appropriations.		